



**MINUTES OF THE GILA COUNTY
BOARD OF ADJUSTMENT
Thursday, January 16, 2020**

Gila County Board of Supervisors Conference Room
610 E. State Hwy 260, Payson, AZ
Gila County Community Development Conference Room
745 N Rose Mofford Way, Globe, AZ
9:00 A.M.

REGULAR MEETING

1. The meeting was called to order at 9:00 A.M. by Vice-Chairman Bill Marshall.
2. Pledge of Allegiance was led by Shealene Loya.
3. Roll Call: Shealene Loya called the roll; Chairman Mickie Nye (Absent), Bill Marshall (in Globe), Mary Lou Myers (in Payson). A quorum was present.

Community Development Staff Members Present: Scott Buzan-Director, Michelle Dahlke-Senior Planner and Shealene Loya-Administrative Assistant.

4. Review and Approval of the Board of Adjustment Minutes from December 12, 2019 and December 19, 2019. Mr. Marshall asked if there were any changes needed on the minutes. No changes were suggested. Mrs. Myers motioned to approve the minutes as it and Mr. Marshall seconded the motion.
5. **Director/Planner Communication:** At any time during this meeting of the Planning and Zoning Commission, the Director and/or Planner of Community Development may present a brief summary of current events. No action may be taken.

Mrs. Dahlke- No Comments

Mr. Buzan gave the Board an update on a prior violation case in which Mr. Pfeil was keeping pigs on his property. Mr. Buzan stated that Mr. Pfeil has sold his home and has moved out of Gila County along with his pigs.

Information/Discussion/Action:

Public Hearing:

6. **V-19-08 Douglas and Karen McHugh:** An application to allow for a 6" side yard setback and a 4' rear setback for an existing accessory structure. The property is located at 3958 Apache

Trail in Pine, AZ (APN # 301-18-118) and is zoned Residential One Limited District- Density District 12 (R1L- D12).

Mrs. Dahlke provided the Board with some background on the property and the existence of the structure at the time the applicants purchased the property. The existing structure was brought to Community Development's attentions after an adjoining property owner had a survey map done. Due to the location of the existing septic tank, location of the existing residence and mature vegetation on the property, moving the structure to meet the minimum required setback would be challenging. Mrs. Dahlke clarified that the property owners bought the property with the structure already constructed and were unaware of setback requirements at the time of purchase.

Staff is recommending the approval of the Variance with the condition that a building permit be obtained for the structure and that the side of the structure with the 6-inch setback be painted with a fire retardant.

Mr. Marshall opened the hearing up for public comment.

Mr. and Mrs. McHugh addressed the Board to explain that since purchasing the property, issues regarding the structure had never been brought up by any of their neighbors.

Edward Votruba, an adjoining property owner, was the next to speak. He expressed concerns about the structure being a fire hazard and recommended that a block wall be built on the property line on the side where the 6-inch setback is located. Mr. Votruba also expressed concerns regarding some of the McHugh's utilities that run from the structure and encroach onto his property. He requested that these be moved.

Virgil Conrad, an adjoining property owner, spoke next. Mr. Conrad informed the Board that the structure is sitting on an elevated deck that is approximately 6-inches from the property's rear property line. Mr. Conrad stated the Variance should be denied.

Mrs. Myers asked the property owners if they use the structure for laundry to which Mrs. McHugh explained that they do use the structure because there is no place inside the residence to house the laundry.

Mrs. Dahlke stated to the Board she was not made aware of the building violation of the deck from Code Enforcement. Mrs. Dahlke suggested that further investigation be done on the deck by Code Enforcement. Mrs. Dahlke suggested to the Board that they can either continue this case to the next regularly scheduled Board of Adjustment meeting to allow time for staff to investigate the deck or the Board can make a decision on the Variance with conditions that the deck be investigated.

Upon motion by Mrs. Myers, seconded by Mr. Marshall, the Board of Adjustments voted to continue the meeting to the February meeting.

7. **Adjournment.** Mrs. Myers made a motion to adjourn, seconded by Mr. Marshall. The motion to adjourn was unanimously approved at 9:22 A.M.